

Abstract – Legal liability for environmental damages

This diploma thesis deals with liability for environmental damages. Given the complexity of the topic, the goal of the thesis is a explanation of the basic terms and concepts which are commonly used in this field. Furthermore, it deals with legal regimes on different levels including international, European and national law. Additionally, there is an introduction to the concept of environmental damage and explanation how it has been evolving over the years. The related topic is also the liability for historical damage. The final part of the thesis tries to bring a closer inspection of Slovak legislation and its difference to the Czech one.

The first chapter, there is an analysis of the basic concepts such as "responsibility", "damage", "environment", which are the frequently occurring terms in the rest of the work. The second chapter deals with the liability for environmental damage in international law. In the beginning, there is a description of the difference between "responsibility" and "liability" in international law. Additionally, it is focused on Lugano convention (1993). The third chapter is referring to the process of development of this topic in European Law. It starts with a discussion which resulted in its main documentary – the Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 that influenced all of its member states. It is followed by a few very important judgments of the Court of Justice of the European Union. The fourth chapter focuses on civil liability and its connection to environmental damage. It mainly covers the different modifications of the old Civil Code and the new one released in 2012. The fifth chapter is about environmental harm, especially the modification according to Act No. 17/1992 Coll. on the environment and Act No. 167/2008 Coll. on prevention and remedying environmental damage. The sixth chapter refers to tort liability, and it is divided into two sub-chapters: administrative liability and criminal liability for environmental damage. The seventh chapter deals with historical damage and the possibilities of its solution. The last chapter covers the small inspection of the Slovak regulation of liability for environmental losses, especially the difference from the Czech one after 1993.